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highway. Later the city annexed the property and laid out M. street, the border of which was in many places beyond the center line of the old M. road. Defendants, purchasers of lots on M. road before such incorporation, were in possession of the land in front of their lots up to the new street, and plaintiff brings ejectment to recover such land. *Held*, that defendants' lots originally extended to the center of the old M. road, and that plaintiff had estopped himself by his warranty deed from claiming anything in front of the lots between that center line and the border of M. street. *Williams v. Johnson*, (Ky. 1912.) 149 S. W. 821.

The proposition that a deed granting land abutting on a street generally carries the fee to the center of the street is an accepted and established rule. 5 Cyc. 905, 4 A. & E. ENC. 809. ELLIOTT, ROADS AND STREETS, 2nd Ed. 782. The second doctrine laid down by the court is based on only one case cited in the opinion. *Bland Ballard v. City of Louisville*, 3 Ky. Opinions 31. No other case seems to have hit squarely upon this point, but analogous cases and rules of text and note writers seem to be against it. The Georgia court is responsible for a ruling in an analogous case which is directly opposite to that laid down in the principal case:—"But a public road, of course, may change, and when this occurs the boundary does not change with it. When the road is moved or transferred to other soil, the boundary remains behind. A boundary line which was coincident with a border of the road, will not rest upon the corresponding border in the new position." *Brantly v. Huff*, 62 Ga. 532. ELLIOTT, ROADS AND STREETS, 2nd Ed. § 886, gives a similar doctrine, contrary to the decision of the Kentucky court. The general rule is that upon the discontinuance, vacation or abandonment of a highway, the land covered by it reverts to the owner of the fee. This general rule governs even in cases where a new and different way is substituted for the one abandoned or vacated."

COMMERCE.—INTERSTATE COMMERCE ON ROUTE BETWEEN TWO POINTS IN SAME STATE.—A statute of South Carolina provided that every common carrier doing business in the state should transport all freight received for transportation within the state, within a reasonable time after the receipt thereof, and provided a penalty in case of delay without good and sufficient cause. Plaintiff shipped freight from Y to B, both within the state, over defendant's line which, for about twenty miles, runs outside the state. The shipment was delayed, and plaintiff brought this action for the penalty. The jury found that the delay was wholly within the state, and caused by conditions arising wholly within the state, and under the instructions, returned a verdict for the plaintiff. *Held* that the shipment was interstate; that the statute should not be construed to refer to interstate commerce; and that to so construe it would be to put a burden on interstate commerce. *Trayham v. Charleston & W. C. Ry. Co.* (S. C. 1912) 75 S. E. 381.

In *Lehigh Valley Railroad Co. v. Pennsylvania*, 145 U. S. 192, in which case the state levied a tax in respect of receipts of the railroad between two points in the state, part of the haul being through New Jersey, it was held that the tax was valid as to that part of the road in the state, the court say-

ing in the opinion that the fact that the road ran for a short distance outside of the state would not make interstate commerce of what would otherwise be intrastate. Following this, a number of cases have held that a state may regulate transportation between two points in the state over a route which goes outside the state. *Campbell v. Chicago M. & St. P. Ry. Co.*, 86 Ia. 587; *Seawell v. Kansas City, F. S. & M. R. Co.*, 119 Mo. 222; *U. S. ex rel Kellogg v. Lehigh Valley R. Co.*, 115 Fed 373. In *Hanley v. Kansas City Railway Co.*, 187 U. S. 617, which was an attempt by a state to regulate rates between two points within the state, over a route partly outside the state, the court held that the attempt was invalid, saying that such transportation is interstate commerce. In the principal case, a minority opinion, two judges concurring, took the ground that, admitting the shipment to be interstate, the statute should be held to apply to such shipment, and to constitute a valid exercise of the police power of the state, on the theory that it was not a burden on interstate commerce, but served to expedite it. This view has some support in *W. U. Tel. Co. v. Grove*, 220 U. S. 364, and *W. U. Tel. Co. v. Comm. Milling Co.*, 218 U. S. 406, in which cases statutes levying penalties for lack of diligence in sending and delivery of telegrams were held valid as to interstate telegrams. In *Bagg v. Wilmington etc. R. Co.*, 109 N. C. 279, a statute levying a penalty for failure to ship goods within a certain time after their receipt was held valid as to interstate shipments. *Southern Ry. Co. v. Reid*, (1912) 32 Sup. Ct. 140, 10 MICH. L. REV. 641, held that a statute levying a penalty for refusal to receive goods for shipment was invalid as to interstate shipments, but put the decision solely on the ground that the statute conflicted with an express provision of Congress.

CRIMINAL LAW—DEAD BODIES—PROPER BURIAL.—Defendant was indicted for failing to provide a Christian burial for his deceased infant child. The evidence showed that the defendant caused the child to be buried in a woods lot; that the body was enclosed in a worthless paper box; that the defendant refused to permit the relatives to be notified so that they could be present and that no religious ceremony attended the burial. The evidence further disclosed that defendant was financially able to procure a better coffin than that used. A verdict of guilty was reversed. *Seaton v. Commonwealth* (Ky. 1912) 149 S. W. 871.

The Court, though manifesting its disapproval of the "niggardly disposition" shown by the defendant, held that the defendant had kept himself within the pale of the law and had violated no duty which he owed to the Commonwealth. It was held that the defendant had the legal right to select the place of burial and kind of coffin, and to determine who should be present, and whether any services should be held at the grave. The Court said, "The custom of the country imposed upon appellant only the duty of decently burying his child." In *Reg. v. Vann*, 6 Brit. Cr. Cas. 324, it was said, "It is true, that a man is bound to give Christian burial to his deceased child, if he has the means of doing so. * * * He cannot sell the body, put it into a hole, or throw it into the river." In *Kavanaugh's Case*, 1 Greenl. 226, it was held that to cast a dead body into a river was an act indictable as an offense